

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
National Thousands-Block Number)	
Pooling Rollout Schedule)	

**COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (“USTA”)¹ hereby submits its comments on the proposed national thousands-block number pooling rollout schedule, as set forth in the Commission’s October 17, 2001 *Public Notice* in the above-captioned proceeding.² According to the *Notice*, the rollout schedule was developed at the Commission’s direction by the National Thousands-Block Number Pooling Administrator, NeuStar, Inc., and is scheduled to begin in March 2002.

USTA offers the following comments on several specific issues raised by implementation of the rollout plan and urges the Commission to adjust the schedule accordingly and to immediately adopt an adequate cost recovery mechanism for carriers’ pooling expenses.

¹ The United States Telecom Association, formerly the United States Telephone Association, is the nation’s oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

I. The rollout schedule should be adjusted to comply with the Commission’s stated policy of three NPAs per NPAC region per quarter.

The Commission determined that the thousands-block pooling rollout should “encompass a maximum” of three Numbering Plan Areas (“NPAs”) in each Number Portability Administration Center (“NPAC”) region per quarter.³ In adopting this policy, the Commission partially relied on the fact that carriers would need the time afforded by that schedule to upgrade or replace their Service Control Points (“SCPs”) and other components of their networks so that possible overload of the network and resultant network disruptions would be avoided.⁴

Unfortunately, the proposed rollout schedule contained in the *Notice* does not comport with the stated Commission policy of three NPAs in each NPAC region per quarter. It is more aggressive and contains more NPAs in the first quarters. The following chart illustrates this fact:

QUARTER	Number of NPAs	NPAC Region
1 st	2	Northeast
	4	Mid-Atlantic
	6	Southeast
	5	Midwest
	4	Southwest
	5	Western
	4	West Coast
2 nd	5	Mid –Atlantic
	4	Southeast
	6	Midwest
	3	Southwest
	3	Western
	3	West Coast

² *Public Notice*, DA 01-2419, released Oct. 17, 2001 (“*Notice*”).

³ *Report and Order and Further Notice of Proposed Rule Making*, CC Docket No. 99-200, 15 FCC Rcd 7574 at 7645-7646 (2000) (“*First Report and Order and Further Notice*”).

⁴ *Id.*

3 rd	3	Mid-Atlantic
	4	Southeast
	3	Midwest
	7	Southwest
	4	Western
	4	West Coast
4 th	5	Southeast
	6	Midwest
	6	Southwest
	4	Western
	3	West Coast
5 th	5	Southeast
	8	Midwest
	6	Southwest
	4	Western
	1	West Coast
6 th	7	Southeast
	5	Midwest
	3	Southwest
	7	Western
7 th	10	Southeast
	3	Midwest
	5	Southwest
	3	Western
8 th	1	Southeast

Implementation of this schedule is unrealistic and unmanageable. The Commission cannot now expect the industry to meet this schedule. It would require compression of effort into unreasonably short time spans for carriers and their networks and could ultimately result in adverse service consequences to consumers. Carriers have relied on the Commission's pronouncements of limiting the rollout to three NPAs per quarter and have configured their staff, workload for switch reprogramming, and software upgrades and other equipment expenditures to accommodate the projected rate of implementation. Those plans do not fit with the altered rollout schedule because the resources required by the carriers will be greater or lesser, depending on the particular

location of the carrier and the quarter. In addition, unanticipated demand for equipment and software upgrades needed for pooling implementation could result in a shortage of supply by vendors. These unanticipated results can be easily avoided by adjusting the rollout schedule to comply with the Commission's stated and well-founded policy of implementing pooling in only three NPAs per NPAC region per quarter.

II. The particular rollout schedule for individual NPAs should be developed by the Pooling Administrator and the industry, not dictated by the Commission.

Attachment A of the *Notice* includes a schedule of specific dates for the NPAs in the first quarter rollout. This schedule prescribes for each NPA in the first quarter the dates for the first implementation meeting, the forecast date, the block protection date, the block donation identification date, the PA assessment date, the block donation date, and the pool start date. The time intervals established in this schedule are uniform for each NPA.

USTA believes that this unilateral determination of every time interval for the rollout by the Commission is inappropriate and unnecessary. Rather, the Commission should allow the Pooling Administrator along with the industry to develop the individual milestone intervals for each NPA. Such an approach would conform to the Industry Numbering Committee ("INC") Guidelines for Thousands-Block Number Pooling⁵ that have been developed by the Pooling Administrator and the industry, to permit flexibility according to unique local conditions. The INC Guidelines provide that the specific dates for each NPA are to be developed at the first implementation meeting by the Pooling Administrator and the industry. This approach is well-reasoned, justified, and has

⁵ Industry Numbering Committee, Thousands-Block Number (NXX-X) Pooling Administration Guidelines, INC 99-0127-023, Sept. 24, 2001 ("INC Guidelines").

produced proven results. Each NPA has its own particular circumstances that must be taken into account in developing suitable and feasible time intervals. These include the size of the MSA, the number of carriers that are required to pool, the number of rate centers, switches involved, the number blocks that have been contaminated and the extent of contamination. Each of these factors impacts the amount of work to be done by the carriers in establishing the information for each of the categories. The Commission's schedule for the first quarter ignores the realities that each NPA has unique variables such as number of participating carriers and quantity of blocks to be processed. Instead, the Pooling Administrator and carriers should be allowed to follow procedures documented in the INC Guidelines.

III. Adequate cost recovery measures that include costs incurred in connection with state trials must be adopted immediately.

Now that the Commission has before it the thousands-block pooling rollout schedule with an anticipated commencement date of March 2002, it is imperative that an appropriate cost recovery mechanism be adopted as well. USTA has consistently argued before the Commission for adequate recovery mechanisms for costs associated with federally-mandated pooling and state pooling trials.⁶ USTA remains concerned that costs incurred by carriers, both local number portability ("LNP") capable and non-LNP capable, must be adequately recovered. Non-pooling carriers will incur costs once thousand block pooling is implemented in LNP-capable areas, just as they do for LNP.

⁶ See Comments of USTA on the *First Report and Order and Further Notice*, filed May 19, 2000, at 7-10; Comments of USTA on South Carolina Petition, NSD File No. L-01-87, filed June 1, 2001, at 5; and Comments of USTA on Florida Petition, NSD File No. L-01-109, filed June 22, 2001, at 3-4.

Those costs are legitimate and a sufficient cost recovery mechanism must be implemented for such carriers as well.⁷

The Commission recently stated that, “Cost recovery for national thousands-block number pooling will be under the national cost recovery plan when it becomes effective.”⁸ Section 251(e)(2) of the Communications Act of 1934, as amended,⁹ requires such action. Many carriers have provided the Commission with detailed cost studies related to pooling. USTA maintains that the record is now sufficient for the Commission to reach a determination on specific cost recovery mechanisms so that carriers can begin to implement them in a timely fashion. The Commission should not further delay its decision.

In our comments on the *First Report and Order and Further Notice*, we expressed concern over the Commission’s determination that costs associated with state pooling trials are not recoverable through federal cost recovery mechanisms.¹⁰ We have subsequently urged the Commission to condition state pooling trials on implementation by the state of an adequate cost recovery mechanism. However, the Commission has declined to do so, stating that the state commissions conducting pooling trials are to

⁷ On March 19, 1999, USTA, jointly with the National Exchange Carrier Association, Inc., National Rural Telecom Association, National Telephone Cooperative Association, and the Organization for the Promotion and Advancement of Small Telecommunications Companies, filed a Petition for Expedited Interim Waiver in CC Docket No. 95-116, seeking relief so that non-LNP-providing carriers could recover their LNP costs. The Commission has not yet acted on this petition.

⁸ *Order* on Florida Petition, NSD File No. L-01-109, Iowa Petition, NSD File No. L-01-74, and South Carolina Petition, NSD File No. L-01-87, DA 01-2479, released Oct. 24, 2001, at ¶ 12.

⁹ 47 U.S.C. § 251(e)(2).

¹⁰ Comments of USTA filed May 19, 2000, at 9.

develop cost recovery mechanisms for carrier costs incurred in implementing and administering those trials.¹¹

Individual states engaged in pooling trials, authority for which has been delegated by this Commission, have been delinquent in prescribing any means of cost recovery for carriers. Yet, the participating carriers have incurred substantial costs to implement pooling as a result of those state commission requirements. The costs will benefit not only those customers in the areas where state pooling trials have been implemented, but in other areas served by that carrier, even in different states. Similar costs would have to be incurred now as a result of the national pooling rollout, absent state pooling trials. In addition, carriers will begin to incur substantial costs in areas where pooling will now be implemented as a result of the national rollout schedule, particularly since the proposed schedule is expedited beyond the three NPAs per quarter. Therefore, it is now appropriate for the Commission to act on its responsibility for assuring that an adequate cost recovery mechanism is adopted and implemented. Indeed, it is incumbent on the Commission to take such action, since it has the responsibility to do so. The Commission has consistently stated that it has plenary jurisdiction over numbering issues by virtue of Section 251(e) of the Act, which includes authority to order thousand block pooling.¹² In delegating authority to individual states to conduct pooling trials, the Commission has consistently required states to conform to the national framework for thousand block

¹¹ See *Order* on Connecticut Petition, NSD File No. L-01-35, Michigan Petition, NSD File No. L-01-36, and North Carolina Petition, NSD File No. L-01-75, DA 01-2013, released Aug. 24, 2001, at 19.

¹² See *Order* on Louisiana Petition, NSD File No. L-00-170, Maryland Petition, NSD File No. L-00-171, Massachusetts Petition, NSD File No. L-00-169, and New Jersey Petition, NSD File No. L-00-95, DA 01-386, released Feb. 14, 2001, at ¶ 6.

pooling it has prescribed.¹³ The Commission cannot avoid its cost recovery responsibilities under Section 251(e)(1); rather, it must take all such steps that are necessary to fulfill its statutory mandate. Since the states have not taken adequate measures to implement adequate cost recovery mechanisms for their thousand block pooling trials, the Commission must now act. It should take such action so that a mechanism is in place for carriers to begin cost recovery by March 2002.

Conclusion

USTA urges the Commission to adjust the thousands-block number pooling rollout schedule to require no more than three NPAs per NPAC region per quarter, to leave the milestone dates for each NPA to be established by the Pooling Administrator and the industry, and to adopt adequate cost recovery measures immediately.

Respectfully submitted,

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¹³ See *id.* at ¶ 14.